IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20131 of 2002

Between:

Jeevaratnam son of Elias
H.No. 4-67, Mall Village, Yacharam Mandal, R.R.Dist

..... PETITIONER

AND

1 The Collector, Ranga Reddy District,
Lakadikapool, Hyderabad.
2 The Member Secretary
AP Pollution Control Board, 2nd Floor, Maitrivanam
Ameerpet, Hyderabad
3 Soma Yadamma w/o Krishnaiah
H.No. 4-66, Mall Village, Yacharam Mandal, R.R.Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, more in the nature of Writ of Mandamus declaring the inactions of respondents 1 and 2 in not taking up any action on complaints of petitioner dated. 23/11/2001 and 5/08/2002 submitted to the 1st and 2nd respondents respectively, against the 3rd respondent's activity in premises bearing H.No. 4-66, Mall Village, Yacharam Mandal , R.R.District , as illegal, arbitrary unjust and violative of Art. 14, 21 and 300 A of the constituation of India and consequently direct the respondents 1 and 2 to take steps for closure of the flour mill and oil mill in premises bearing H.No. 4-66, Mall Village, Yacharam Mandal, R.R.District

belonging to the 3rd respondent in the interest of justice

Counsel for the Petitioner: MR.B.VENKAT RAMA RAO

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent No.2: Mr. S.V Bhat

Counsel for the Respondent No.3: MR.N.VASUDEVA REDDY

The Court made the following :

ORAL ORDER: (Per Sri Devinder Gupta, CJ)

Petitioner is aggrieved by the acts of the 3rd respondent in continuing to run floor and oil mills in premises bearing House No.4-66, Mall Village, Yacharam Mandal, R.R. District and of the alleged inaction on the part of the respondents 1 and 2 to take steps for closure of the said units.

Petitioner has alleged that he is a medical practitioner for the last 30 years and is running a clinic in house No.4-67 situated in the same village for the last more than 12 years. It is stated that some in-patients were also treated in the clinic. Despite complaints, action has not been taken by the respondents to stop the activity of the 3rd respondent in continuing the floor and oil mill.

Notice was issued to the respondents and in the meanwhile, interim directions were issued to the Respondent-Board to consider the petitioner's representation and pass appropriate orders thereupon.

Respondent-Board has filed affidavit in reply stating that petitioner is running three bed hospital and it was found that oil and floor mill of 3rd respondent is located adjacent to the petitioner's hospital. It is also stated that 3rd respondent had been running the floor mill since long, but, had installed oil mill recently. Petitioner pointed out that vibration caused by oil mill during its operation has resulted in cracks in the wall, apart from causing inconvenience to the petitioner. It is further stated that during inspection by the respondent Board, noise level from flour mill was found to be 63.8 dB at the entrance of the hospital and the average noise level of oil mill was found 66.3 dB. It was further submitted that Government of A.P. has empowered the Superintendent of Police in the respective Districts and the Commissioner of Police in the Corporation areas to be the prescribed authorities for implementation of Noise

Pollution (Regulation & Control) Rules, 2000, and, accordingly, pursuant to the interim orders, on 19/11/2002, the Joint Chief Environmental Engineer, A.P. Pollution Control Board, Hyderabad disposed of the petitioner's representation informing the petitioner to approach the prescribed authorities under the relevant rules for redressal of his grievance. Despite the fact that that order was passed in the year 2002, petitioner has not chosen to implead the police authorities as party respondents.

With leave and liberty granted to the petitioner to approach the concerned prescribed authorities for redressal of his grievances, this petition is disposed of. No costs.

DEVINDER GUPTA,CJ

Date: 7th July, 2004

G.ROHINI,J

Pnb

To

1 The Collector, Ranga Reddy Districty
Lakadikapool, Hyderabad

2 The Member Secretary
AP Pollution Control Board, 2nd Floor, Maitrivanam
Ameerpet, Hyderabad

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